

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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JUN - 5 1992

Federal Communications Commission
Office of the Secretary

In the Matter of

**The Use of N11 Codes and Other
Abbreviated Dialing Arrangements**

CC Docket No. 92-105

COMMENTS OF SOUTHWESTERN BELL TELEPHONE COMPANY

SOUTHWESTERN BELL TELEPHONE COMPANY

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SUMMARY****

The use of N11 Codes as contemplated by the Commission could harm the NANP. SWBT believes that the Commission would be hard pressed, because of the commercial appeal of 3-digit dialing, to limit assignments only to N11 codes. Assignments of NPA and/or CO codes would almost inevitably follow, with catastrophic results for the NANP.

The NPRM's assumption that NPA codes can be used for abbreviated dialing is thus a most troubling aspect of the Commission's proposal. If the Commission allows NPA codes to be assigned for abbreviated dialing, the 10-digit interchangeable code NANP format, predicted to last until at least 2025, could exhaust virtually overnight. Expansion of the numbering plan to one containing more than ten digits would necessarily follow. For this reason, to avoid even the possibility of NANP format expansion, the Commission should not assign N11 codes for abbreviated dialing.

Attempted restriction of N11 assignments to any specific group of customers would be contrary to the Commission's policy against use and user restrictions.

Assignment of N11 codes to customers could create federal-state difficulties. Any abbreviated dialing format would be covered by SWBT's and other BOCs' ONA plans as either a new BSE or as an alternative within a BSA. Because the few available N11

**** All abbreviations are referenced in the text of this filing.

codes would deplete instantaneously, state regulatory bodies would necessarily be involved in determining assignment criteria. If recalls were necessary, state regulators would have to be consulted, and the Commission should, as with CICs, anticipate refusals to relinquish. If, because NPA codes are assigned for abbreviated dialing, the NANP format must be expanded to one containing more than ten digits, the states would have to shoulder the majority of costs required to modify the network to accomodate new dialing arrangements.

Although SWBT offers services to meet a wide variety of ESP and other customer needs, it is currently considering alternative dialing formats which would be easy to remember and use. Because of the time constraints of this docket, SWBT has not yet adopted a position on any alternatives.

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Southwestern Bell Telephone Company (SWBT) files its comments in this docket in which the Commission examines whether local exchange carriers (LECs) should be required to provide abbreviated dialing arrangements. Specifically, the Commission has tentatively concluded that "211, 311, 511, and 711 should be available for abbreviated dialing and that 611 and 811 should also be available at least wherever an exchange carrier does not currently use those codes for the purposes permitted by Bellcore."¹

SWBT believes that assignment of N11 codes (where N=2-9) for abbreviated dialing could harm the North American Numbering Plan (NANP), could not easily be restricted, and could create federal-state difficulties. Plus, recall of N11 codes, if necessary, could be time-consuming and resisted by customers. For these reasons, SWBT does not support such proposed assignment.

I. THE USE OF N11 CODES AS CONTEMPLATED BY THE FCC COULD HARM THE NANP.

According to the BOC Notes on the LEC Networks--1990 in the North American Numbering Plan (NANP), N11 codes are termed "service codes" and "serve various special functions. Some are no longer in use, others are in limited use, and some are standard

¹Notice of Proposed Rulemaking, CC Docket No. 92-105, released May 6, 1992, para. 12 (NPRM).

almost everywhere."² Today, service code assignments are as follows:

<u>CODE</u>	<u>ASSIGNMENT</u>
211	Unassigned
311	Unassigned
411	Local Directory Assistance
511	Unassigned
611	Repair Service
711	Unassigned
811	Business Office
911	Emergency

In the Notes on the Network, "any unassigned service codes, including 611 and 811 if they are phased out of service, will be kept available for future assignment by the North American Numbering Plan (NANP) Administration Organization. Service codes may be used locally if their assignment and use can be discontinued on short notice."³

Historically, N11 codes have been explicitly excluded from both the list of assignable Numbering Plan Area (NPA) codes and the list of Central Office (CO) codes in the interchangeable format NXX (where N = any digit 2-9, and X = any digit 0-9).⁴ NPA codes are the first three numbers of a 10-digit telephone number and are generally assigned to specific geographic areas of the United States and other countries. NPA codes are in the form N 0/1

²BOC Notes on the LEC Networks--1990, SR-TSV-002275, Issue 1, March 1991, Section 3.2.4, Numbering Plan and Dialing Procedures, pp. 3-7.

³Id.

⁴See Notes on the BOC Intra-LATA Networks--1986, TR-NPL-000275, Issue 1, April 1986, subsection 2.02, 3.03 of section 3, paras. 3.1, 3.2, 3.4; and BOC Notes on the LEC Networks--1990, SR-TSV-002275, Issue 1, March 1991, sections 3.2.1, 3.3.3, and 3.12.1, paras. 3-2, 3-3, 3-9, 3-10, 3-19, 3-20.

X (where N=2-9 and X=0-9). Out of a total of 160 possible, there are 152 NPA codes, because the eight N11 codes are excluded. Thus, currently the first three digits of a 10-digit telephone number can never be 211, 311, etc.

CO codes are the middle three digits of a 10-digit telephone number and are generally assigned to specific central offices in a given NPA. CO codes are in the form NNX (where N=2-9, and X=0-9). There are a total of 640 possible. In some instances before an "NPA split," the second digit becomes X (where X=0-9), creating an NXX code, a so-called "interchangeable" central office code. This creates 160 additional CO codes. However, the eight N11 codes are excluded, resulting in a total of 792 CO codes, thereby extending the life of the NPA. The middle three digits of a 10-digit telephone number, whether the CO code is NNX or NXX, can currently never be 211, 311, etc.

In short, in the current system, N11 codes are neither NPA nor CO codes.

The assumption that "NPA codes can also designate a special service or be used for abbreviated dialing"⁵ is thus a most troubling aspect of the Commission's proposal. Service Access Codes (SACs) may designate special services, e.g., 800 and 900 services, but NPA codes have never been used for abbreviated dialing.

Each NPA includes 7.92 million available telephone numbers. If an NPA code were assigned to one end user for abbreviated dialing, as the Commission appears to be contemplating, 7.92 million public switched network numbers would be lost.

⁵NPRM, para. 4.

Abbreviated dialing, if sanctioned by the Commission, would likely be requested by many commercial telephone customers. If the Commission sanctions abbreviated dialing in a 3-digit format and allows NPA codes to be included in that format, the 10-digit interchangeable code NANP format, predicted to last until at least 2025, potentially could exhaust overnight. Expansion of the numbering plan to one containing more than ten digits would necessarily follow.

On the other hand, if the Commission sanctions 3-digit dialing and allows interchangeable CO codes to be included in the format, new issues arise. Conventional solutions to number exhaust would not necessarily provide additional codes. In an NPA "overlay," in which a new NPA is used to cover an existing geographic NPA, no new 3-digit codes would be created. In an NPA "split," in which an existing NPA is divided and a new NPA is assigned to one of the two newly created areas, someone would have to decide if the previous N11 serving area will be retained or divided, and, in either case, whether N11 codes previously assigned to particular customers will be retained by those customers or relinquished to others. The Commission must consider who would make such decisions and how relinquishment, if required, would be enforced.

Lest anyone think this view is alarmist, SWBT cites the example of Carrier Identification Codes (CICs). Prior to divestiture, CICs were 2-digit codes that were part of a uniform 7-digit access code, in the format 950-10XX, assigned to Other Common Carriers (OCCs) for use with ENFIA B (Exchange Network Facilities for Interstate Access) and ENFIA C arrangements. The XX portion of

the access code identified a particular OCC. The same uniform number was used for all ENFIA B and C locations of the same OCC in what was then the Bell System. When the supply of 2-digit codes exhausted, the XX portion was expanded to three digits resulting in a 950-0/1XXX access code for the ENFIA service that eventually became Feature Group B and a 10XXX Carrier Access Code (CAC) for Feature Group D. These three-digit codes became known as CICs. When the Commission liberalized the base of access customers in the First Data Resources decision in 1986,⁶ 300 of the 969 assignable codes had been allocated. At that time, the Commission was "not convinced that the potential exhaustion of '950' codes is either imminent or inevitable."⁷ Yet only six years later, 3-digit CICs are nearing exhaust. 4-digit Feature Group B CICs are scheduled to be assigned in the first quarter of 1993 at considerable cost to the LECs. Price Cap LECs do not have adequate means under existing rules to recover the costs associated with required network numbering changes. SWBT thus supports the exploration of a new rate recovery scheme to address these costs.

The costs and network impacts of CIC expansion will be substantial but not nearly as profound and pervasive as the costs and network impacts of expanding the NANP format to one containing more than 10 digits. NANP format expansion would affect every telephone subscriber in World Zone 1 and all international calls

⁶Memorandum Opinion and Order, Petition of First Data Resources, Inc. Regarding the Availability of Feature Group B Access Service to End Users; Mimeo No. 4732, Released May 28, 1986.

⁷Id., p. 10, para. 17.

inbound to World Zone 1.⁸ Every database and every software system in the world that stores a World Zone 1 number would have to be reprogrammed.

SWBT believes that the Commission would be hard pressed, because of the commercial appeal of 3-digit dialing, to limit assignments only to N11 codes. Assignments of NPA and/or CO codes would almost inevitably follow, with catastrophic results for the NANP. For this reason, to avoid even the possibility of NANP format expansion, the Commission should not assign N11 codes for abbreviated dialing.⁹

II. RESTRICTIONS ON ASSIGNMENTS OF N11 CODES WOULD BE CONTRARY TO ESTABLISHED COMMISSION POLICY.

If NPA and CO codes cannot be used for abbreviated dialing, then at most only eight N11 codes are available. Clearly the demand for the codes would exceed the supply.¹⁰ The Commission thus inquires whether "restrictions should be placed on the manner in which LECs allocate the limited number of codes."¹¹

Allocation limitations would be contrary to the Commission's strong policy against use and user restrictions. The

⁸World Zone 1 includes the United States, Canada, Bermuda, Puerto Rico and other Caribbean Basin islands.

⁹The assignment of N11 codes is even less defensible when one considers that there are roughly 16 million resources available today for information services providers. This includes all of the numbers available in the 900 SAC, and all of the 976 CO codes in each NPA.

¹⁰Indeed, SWBT has already received more requests for N11 codes than the number of available codes.

¹¹NPRM, para. 16.

Commission's BOC ONA Order¹² and its BOC ONA Amendment Order¹³ directed SWBT to delete restrictions permitting only Enhanced Service Providers (ESPs) to subscribe to federally tariffed Basic Service Elements (BSEs). An abbreviated dialing arrangement would be a BSE (an optional feature subscribed to by a customer for use in facilitating the provisioning of an enhanced service), or an alternative within a Basic Serving Arrangement (BSA), and thus could not be denied to any customer under the Commission's policy.

The Commission may be considering limiting assignment of N11 codes to ESPs. The definition of "enhanced service" is so broad that virtually any customer could claim to be an ESP. Some of the largest enhanced service providers are, or will likely be, IXC's and resellers of message toll service (MTS). There is no feasible way for an assigning LEC to prevent IXC's or any other customers from claiming to be an ESP and thus entitled to an N11 code.¹⁴

III. ASSIGNMENT OF N11 CODES TO CUSTOMERS COULD CREATE FEDERAL-STATE DIFFICULTIES.

BellSouth apparently believes that its proposed service arrangement would be subject to state regulations and state tariffing requirements. BellSouth thus has included in its initial

¹²"Pursuant to our general policies against use or customer restrictions, there will thus be no restrictions on IXC's obtaining BSEs with the interstate access services they normally purchase." Memorandum Opinion and Order, 4 FCC Rcd 1 (1988), n. 770.

¹³Paragraph 90 notes that SWBT appropriately amended its Plan to satisfy the earlier Order's directive. Memorandum Opinion and Order, 5 FCC Rcd 3084 (1990).

¹⁴SWBT has already received a request for an N11 Code from an interexchange carrier (IXC).

filing with the Commission a copy of a proposed state tariff filing for N11 service.

SWBT agrees that BellSouth's proposed service arrangement would be subject to state regulation for that part of the service that is intrastate in nature. The interstate portion of the service, however, would be subject to regulation by the Commission. More importantly, the proposed abbreviated dialing arrangement would be subject to SWBT's and other BOCs' Open Network Architecture (ONA) plans and associated requirements as either a new BSE or as an alternative within a BSA.¹⁵ Thus, in both the intrastate and interstate jurisdictions, the proposed abbreviated dialing arrangement would be subject to intra- and interstate tariff requirements as part of ONA.

Because the few available N11 Codes would deplete instantaneously, state regulatory bodies would necessarily be involved in determining assignment criteria. If recalls were necessary, state regulators would have to be consulted. The issues of assignment and recall, which would be critical in the case of a tiny resource dwarfed by demand, would likely be the subject of a federal/state joint board.

The separations process would assign substantial portions of the cost of the proposed arrangement to both the intra- and interstate jurisdictions. Both the Commission and state regulators would thus take a keen interest in this proposed arrangement.

¹⁵In SWBT's ONA Plan, the BSA does include dialing arrangements, i.e., 7-digit numbers for Circuit Switched Line Side BSA, 950-XXXX for Feature Group B Circuit Switched Trunk Side BSA, and equal access dialing for Feature Group D Circuit Switched Trunk side BSA.

Moreover, if assignment of NPA and/or CO codes is allowed for abbreviated dialing, and if as a result the NANP format must be expanded to one containing more than ten digits, as discussed above, the states would have to shoulder the majority of costs required to modify the network to accommodate new dialing arrangements.

IV. RECALL OF N11 CODES MIGHT BE TIME-CONSUMING AND RESISTED BY CUSTOMERS.

The Commission has inquired whether N11 codes can be recalled on short notice. "So long as these codes can be recalled on short notice, their use for purposes other than area codes does not appear to be detrimental to the NANP."¹⁶

First, the Commission, as discussed above, appears to be confusing N11 codes with NPA and/or CO codes. Thus, the Commission sometimes infers that N11 codes are "area codes." SWBT cannot emphasize too strongly the chaos which would result if the Commission should be unable to limit 3-digit dialing to N11 codes.

Second, the Commission must define what it means by "short notice." The Commission's concept of the term may be quite different from the concepts of parties asked to relinquish codes. In addition, code relinquishment time might vary depending on the use of the code(s) in question. Recall of a code could take a LEC 18 months or longer. This is the time required to address network, customer and administrative concerns such as directory production, publication and distribution. Until all changes and any necessary customer education were completed, no other use of the code could

¹⁶ NPRM, para. 13.

be initiated. Any customer assigned an N11 code would face these same concerns.

Also, it is highly unlikely that a customer, having been assigned an N11 code, would willingly give it up. The Commission need look no further for confirmation than the current problems with CICs. Under the current CIC guidelines, holders of codes acquired through mergers or acquisitions should return such codes, in excess of the assigned limit, to the CIC pool for reassignment. Some access customers have done so. Others have not, even when requested by Bellcore, which has no enforcement mechanism to compel relinquishment.

As with CICs, the Commission should anticipate refusals to relinquish. Appeals to the federal courts are likely if the Commission decides to order return of the codes, a course which the Commission has not chosen in the case of CICs.

The short supply of N11 codes and the possibility of recall are two reasons why SWBT does not support the assignment of these codes for abbreviated dialing. Should the Commission, however, decide to allow assignment, any recall program must be implemented at a level that does not require the direct involvement of the LECs. Specifically, recall programs for N11 codes should be instituted and controlled by the Commission and/or state regulators.

V. CUSTOMERS SHOULD HAVE NO PROPERTY RIGHTS IN N11 CODES.

The Commission has tentatively concluded that N11 codes may "acquire some value."¹⁷ The Commission speculates that those

¹⁷Id., para. 15.

entities assigned codes may wish to sell them. Thus, the Commission inquires if N11 codes assigned for abbreviated dialing should be treated "in the same manner as other telephone numbers."¹⁸

N11 codes should not be assigned to customers for abbreviated dialing. Assuming, arguendo, that the Commission decides to allow such assignments, customers should have no property rights to the numbers. The assigning LEC should be the custodian of the numbers for conservation and network purposes. Customers obtaining assignments by whatever method should not be permitted to sell their numbers.

North American Numbering Plan resources are national public switched telephone network resources. As such, end user customers have no property rights in any number designation assigned by telephone companies except the right to reasonable notice of impending changes therein and to referral of calls for a reasonable period after such changes, if requested in writing by those customers.

For example, SWBT's Arkansas General Exchange Tariff states: "The customer has no property right in any number or central office designation assigned by the Telephone Company in the furnishing of telephone service."¹⁹ Most LECs have similar provisions in all their state tariffs.

That customers gaining assignments of N11 codes might sell them simply points out how inequitable and unmanageable the Commission's proposal would be in practice.

¹⁸Id.

¹⁹Section 25.7.2 (J) (1983).

VI. THE COMMISSION SHOULD CONSIDER ALTERNATIVES TO N11 CODE ASSIGNMENT.

The essence of the requests for N11 abbreviated dialing is an "easy to remember, easy to use" method of accessing service providers. N11 does satisfy this narrow objective, albeit with the problems discussed above. Other dialing arrangements, however, might achieve the same result without the problems.

For example, the Commission might set aside the 555-XXXX format (where X=0-9) for all service providers wanting a number both easy to remember and use. Customers are already familiar with the "555" prefix. Most IXC's and LEC's route or provide directory assistance via 1+NPA+555-1212. Under such a format, 555-1212 could remain for directory assistance. All other 555+4-digit combinations could be available for assignment on a first-come, first-served basis. Because the first three digits would be the same for all providers, the public would only need to remember four digits. This could have the same effect as an abbreviated 4-digit dialing format.

Because of the time constraints of this docket, SWBT has not yet considered all the ramifications of 555-XXXX and cannot, at this time, endorse the idea. If SWBT is able to examine the ramifications sufficiently, SWBT may make further comments in the reply cycle. Because of the problems with assignment of N11 codes, the Commission should institute a Further Notice of Proposed Rulemaking and request comments from the industry on alternatives.

VII. CONCLUSION

For the reasons discussed throughout this brief, SWBT urges the Commission not to sanction the assignment of N11 codes for abbreviated dialing. SWBT believes that N11 codes should be used for the purposes for which they were originally reserved--public service.

Assignment of N11 codes for abbreviated dialing raises several issues which the NPRM does not fully discuss and which, due to the time constraints of this docket, have not yet been thoroughly explored. As illustrated in this filing, SWBT believes that the following issues should be fully explored before a decision on the assignment of N11 codes can be made.

1. The use of N11 codes as contemplated by the FCC could harm the NANP.
2. Restrictions on assignments of N11 codes would be contrary to established Commission policy.

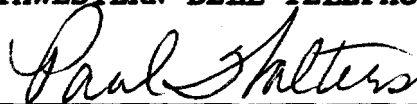
3. Assignment of N11 codes to customers could create federal-state difficulties.

4. Recall of N11 codes might be time consuming and resisted by customers.

Respectfully submitted,

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June 5, 1992

CERTIFICATE OF SERVICE

I, Pat Young, hereby certify that the foregoing
"Comments" of Southwestern Bell Telephone Company in Docket No.
92-105 have been served this 5th day of June, 1992 to the Parties
of Record.


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